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10/674,820	10/01/2003	Aristotle Nicholas Balogh	026970-010051US	8779
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TOWNSEND AND TOWNSEND AND CREW, LLP			EXAMINER	
TWO EMBARCADERO CENTER			RAYYAN, SUSAN F	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/674,820	<b>Applicant(s)</b> BALOGH, ARISTOTLE NICHOLAS
	<b>Examiner</b> SUSAN FOSTER RAYYAN	<b>Art Unit</b> 2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 November 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,4-12,15-18,21-30 and 33-35 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,4-12,15-18,21-30 and 33-35 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 10, 2008 has been entered.
2. Claims 2-3,13-14,19-20,31-32 are canceled. New claims 33-35 have been added.
3. Claims 1, 4-12, 15-18, 21-30, 33-35 are pending.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 1,4-6, 11, 15, 18,21-30, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7165090 issued to Harvey Lunenfeld (“Lunenfeld”) and US Patent 6,714,539 issued to Daniel Charles Sbisa (“Sbisa”).**

**As per claim 1** Lunenfeld teaches:

extracting a plurality of queries from a plurality of query messages received from a plurality of users over the network (column 2, lines 66 to column 3, lines 2, as the requesters and/or users are capable of making substantially simultaneous service and/or information requests of the same and/or different ones of servers and/or clients, using the same and/or different queries);

creating a first request message including the plurality of queries... (column 3, lines 2-5, as retrieving substantially multiple simultaneous services and/or information having the same and/or different criteria from the same and/or different servers;

sending the first request message to a search engine (column 3, lines 50-557, information retrieved from search engine);

receiving a response message from the search engine, the response message including a plurality of replies (column 3, lines 9-11, as communicating the service and/or information responses to the requesters and/or the users substantially simultaneously).

... a first sequence number associated with one or more of the queries and the first sequence number, wherein the first sequence number is associated with one or more of the replies, and wherein each reply associated with the first sequence number is generated in response to a query also associated with the first sequence number

(column 6, lines 39-55, as formatting information request into a current request group, making at least one request of at least one server, parsing, processing, formatting, grouping, and/or organizing at least one response from the at least one server into at least one addressable response information group, formulating information from the current request group into a request pointer/address group having at least one pointer/address, formulating at least one addressable query pointer/address group having at least one other pointer/address, incorporating information from the at least one addressable response information group into at least one addressable query information group, and incorporating the at least one addressable query information group into an information response.

Lunenfeld does not explicitly teach creating a plurality of reply messages from the plurality of replies and sending the plurality of reply messages to the plurality of users over the network. Sbisa does teach creating a plurality of reply messages from the plurality of replies and sending the plurality of reply messages to the plurality of users over the network (column 2, lines 25-30 , as receiving query messages from a plurality of devices and processing the queries and return responses to the devices) to receive and process multiple queries. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Lunenfeld with creating a plurality of reply messages from the plurality of replies and sending the plurality of reply messages to the plurality of users over the network to receive and process multiple queries as described by Sbisa (column 2, lines 18-22).

**As per claim 4** same as claim arguments above and Sbisa teaches:

determining message latency associated with the first sequence number(column 4, lines 40-41, as timestamp).

**As per claim 5** same as claim arguments above and Sbisa teaches:

wherein said determining a message latency includes: updating a request timestamp based on the request message , updating a response timestamp based on the response message , comparing the request timestamp and the response timestamp (column 7, lines 40-41, timestamp).

**As per claim 6** same as claim arguments above and Sbisa teaches:

receiving an additional response message from the search engine, the additional response message including an additional plurality of replies, and updating the response timestamp based on the additional response message(column 7, lines 40-41, timestamp).

**Claim 11** is rejected based on the same rationale as claim 1 above and Lunenfeld teaches a first network interface coupled to a first interface and a second network interface coupled to a second network and at least one processor ...a memory .... At figures.

**. As per claim 28** same as claim arguments above and Sbisa teaches:

wherein the response message includes replies generated in response to the first sequence number and a third sequence number, the third sequence number identifying

a subsequent request message created after the first request message (column 7, lines 40-42, as message header).

**As per claim 29** same as claim arguments above and Sbisa teaches:

wherein sending the plurality of reply messages to the plurality of users comprises identifying a user associated with each query from which each reply message was generated using the state information(column 7, lines 40-42, as message header, originator).

**As per claim 30** same as claim arguments above and Sbisa teaches:

wherein the first sequence number uniquely identifies one or more of the queries and the second sequence number uniquely identifies one or more of the replies(column 7, lines 40-41, timestamp).

**As per claim 33,** same as claim arguments above and Lunenfeld teaches:

wherein the response message further includes a second sequence number that is associated with one or more replies that are not associated with the first sequence number (column 6, lines 39-55, formulating at least one addressable query pointer/address group having at least one other pointer/address, incorporating information from the at least one addressable response information group into at least one addressable query information group, and incorporating the at least one addressable query information group into an information response.

**Claims 15,18,21-27** are rejected based on the same rationale as claims 1, 4-10.

**Claims 7-10, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lunenfeld and Sbisa ("Sbisa") in view of US Patent Publication Number 2003/0138091 issued to William Meek et al ("Meek") and further in view of US Patent Application Publication Number 2002/0040414 issued to Kaitaro Uehara ("Uehara") .**

**As per claim 7** same as claim arguments above and Lunenfeld and Sbisa do not explicitly teach updating a query count based on the request message, updating a reply count based on the response message and comparing the query count and the reply count. Uehara does teach reply count ( paragraph 120, reply count) .It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lunenfeld and Sbisa with a reply count to improve monitoring. Lunenfeld and Sbisa in view of. Uehara do not explicitly teach query count, Meek does teach query count (paragraph 94, query count). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lunenfeld and Sbisa in view of Uehara with a query count to track the queries.

**As per claim 8** same as claim arguments above and Uehara teaches: receiving an additional response message from the search engine, the additional response message including an additional plurality of replies, and updating the reply

count based on the additional response message( paragraph 120, reply count).

**As per claim 9** same as claim arguments above and Uehara teaches:

updating a response count based on the response message and comparing the response count to a predetermined response count ( paragraph 120, reply count)

**As per claim 10** same as claim arguments above and Uehara teaches:

receiving an additional response message from the search engine, the additional response message including an additional plurality of replies,  
and updating a response count based on the additional response message  
( paragraph 120, reply count)

**Claims 16-17** are rejected based on the same rationale as claims 7-10 above.

**Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lunenfeld and Sbisa (“Sbisa”) as applied to claim 1 above and further in view (US 2002/0010798) issued to of Israel Ben-Shaul et al (“Ben-Shaul”).**

**As per claim 34** same as claim arguments above and Lunenfeld and Sbisa do not explicitly teach wherein each query message is a request to resolve a domain name. Ben-Shaul does teach this limitation ( at [119],as the request is redirected by the DNS system, wherein the DNS system resolves the domain name that is included in the request for the resource to allow content providers to directly control the delivery of

content based on regional and temporal preferences, client identity and content priority as described by Ben-Shaul at abstract).

**As per claim 35** same as claim arguments above and Lunenfeld teaches:

wherein extracting the plurality of queries from the plurality of query messages is performed by a front-end protocol engine that sends the request message via a wide area network to the search engine column 3, lines 45-67, as client-server multitasking search engine and search engines at various search sites).

#### **Response to Arguments**

5. Applicant's arguments with respect to claims , 4-12, 15-18, 21-30, 33-35 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues Dutta does not teach creating a first request message including the plurality of queries and a first sequence number associated with one or more of the queries , receiving a response message from the search engine , the response message including a plurality of replies, and the first sequence number , wherein the first sequence number is associated with one or more of the replies, and wherein each reply associated with the first sequence number is generated in response to a query also associated with the first sequence number . Lunenfeld does teach these limitations at ( column 3, lines 2-11, as retrieving substantially multiple simultaneous services and/or information having the same and/or different criteria from the same and/or

different servers, as communicating the service and/or information responses to the requesters and/or the users substantially simultaneously) and (column 6, lines 39-55, as formatting information request into a current request group, making at least one request of at least one server, parsing, processing, formatting, grouping, and/or organizing at least one response from the at least one server into at least one addressable response information group, formulating information from the current request group into a request pointer/address group having at least one pointer/address, formulating at least one addressable query pointer/address group having at least one other pointer/address, incorporating information from the at least one addressable response information group into at least one addressable query information group, and incorporating the at least one addressable query information group into an information response.

#### **Contact Information**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan F. Rayyan whose telephone number is 571-272-1675. The examiner can normally be reached on M-F, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SUSAN RAYYAN/  
January 20, 2009

/Luke S. Wassum/  
Primary Examiner  
Art Unit 2167